

**20:78:03:08. Executive secretary determinations.** Upon completion of the review of an application and any associated investigation, the executive secretary may:

- (1) Summarily issue a license, permit, or certificate if the applicant meets the standards and requirements for licensure established by the applicable statutes or regulations;
- (2) Recommend the board issue the license, permit, or certificate upon specified terms and conditions; or
- (3) Recommend the board deny the license, permit, or certification application.

If the executive secretary recommends issuance of a license, permit, or certificate under specified terms and conditions, or recommends denial of a license, permit, or certificate, the executive secretary shall notify the applicant of the right to contest the executive secretary's recommendation. If contested by the applicant, the executive secretary shall issue a petition for hearing that sets out the recommendation and the reasons for the recommendation, and initiates a contested case hearing. A copy of the petition for hearing shall be sent to the applicant along with a statement that the applicant is entitled to due process rights, including the right to notice and an opportunity to be heard and to be represented by counsel. The executive secretary and applicant may enter into a settlement agreement concerning the recommendation to be made to the board on the application.

**Source:** 38 SDR 127, effective February 7, 2012.

**General Authority:** SDCL 36-4-35, 36-4A-42, 36-4B-35, 36-10-36, 36-10B-7, 36-29-17, 36-31-13, 36-36-12.

**Law Implemented:** SDCL 36-4-18, 36-4-20.2, 36-4-20.7, 36-4-20.10, 36-4-28, 36-4-30, 36-4-31.6, 36-4A-8, 36-4A-8.1, 36-4A-38, 36-4A-39, 36-4B-6, 36-4B-13, 36-4B-31, 36-10-27, 36-10-28, 36-10-29, 36-10-35.1, 36-10-35.2, 36-10-38, 36-10-40, 36-10-41, 36-10B-3, 36-10B-6, 36-10B-7, 36-10B-10, 36-29-3, 36-29-3.1, 36-29-7, 36-29-22, 36-31-5, 36-31-6, 36-31-9, 36-31-10, 36-31-18, 36-36-5, 36-36-6, 36-36-9, 36-36-13.